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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,444	01/06/2005	Tetsuo Uchibori	SAEG103.003APC	2790
20995 7590 05/15/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER GARRETT, DAWN L				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
05/15/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/520,444

Applicant(s)

UCHIBORI ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-16 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2008 has been entered.
2. The amendment filed May 2, 2008 has been entered. Claims 1 and 11 were amended. Claims 1-5 and 10-18 are pending.
3. The rejection of claims 1, 5, 6, 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,4873,282) is withdrawn due to the amendment.
4. The rejection of claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) in further view of Kawaguchi et al. (US 6,673,436 B2) is withdrawn due to the amendment.
5. The rejection of claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) in further view of Kawaguchi et al. (JP 2001-354780) is withdrawn due to the amendment.
6. The rejection of claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Yui et al. (US 4,873,282) and in further view of Nikaido (US 5,300,858) is withdrawn due to the amendment.

7. The rejection of claims 1, 5, 6, 10,11 and 17 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949). Taylor teaches flexible desiccant bodies (see title) is withdrawn due to the amendment.
8. The rejection of claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) and in further view of Nikaido (US 5,300,858) is withdrawn due to the amendment.
9. The rejection of claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) in further view of Kawaguchi et al. (US 6,673,436 B2) is withdrawn due to the amendment.
10. The rejection of claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Ito et al. (US 4,448,949) in further view of Kawaguchi et al. (JP 2001-354780) is withdrawn due to the amendment.
11. The rejection of claims 1, 5, 6, 10,11 and 18 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) is withdrawn due to the amendment.
12. The rejection of claims 12-16 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) and in further view of Nikaido (US 5,300,858) is withdrawn due to the amendment.
13. The rejection of claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) in further view of Kawaguchi et al. (US 6,673,436 B2) is withdrawn due to the amendment.

14. The rejection of claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,013,566) in view of Harashina (US 6,753,363) in further view of Kawaguchi et al. (JP 2001-354780) is withdrawn due to the amendment.

Claim Objections

15. Claim 1 is objected to because of the following informalities: It appears “p phenylenediamine” in claim 1 should be “p-phenylenediamine”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shores (US 5,304,419). Shores teaches an enclosure for an electronic device sealed in a container wherein the inner surface of the enclosure is coated with an adhesive comprising a solid desiccant material (see abstract). The pressure sensitive adhesive may be selected from acrylics, vinyl ether polymers and styrene materials (see col. 2, lines 53-68) per the resin component. The Shores desiccant material may include aluminum oxide and magnesium oxide per the thermally conductive component and alkaline earth metal compounds barium oxide and calcium oxide per the hygroscopic component (see col. 3, lines 27-33). Desiccant content is from 4 to 40 volume percent (see col. 3, lines 45-47). Although both the “thermally conductive material” and “hygroscopic material” are within the “desiccant” material of Shores, it would

have been obvious to one of ordinary skill in the art to have incorporated an amount just over 40% by weight desiccant (in order to include both hygroscopic and thermally conductive material per claim 5), because a prima facie case of obviousness exists where the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected them to have the same properties. *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985). MPEP 2144.05.I. Per claim 4, Shores does not expressly discuss the specific surface area of the calcium oxide or barium oxide, but it would have been obvious to one of ordinary skill in the art to select a suitable form of calcium oxide or barium oxide, which are applicant's preferred hygroscopic materials, to incorporate in the composition with minimal experimentation. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. A prima facie case of obviousness may be rebutted where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. Shores does not specifically address the thermal conductivity property of the aluminum oxide and/or magnesium oxide, but the properties of these materials are considered to meet the requirements of claim 10, absent evidence otherwise, since both aluminum oxide and magnesium oxide are preferred "thermally conductive" materials set forth in claim 1. Shores does not specifically address the density property of the adhesive/desiccant compositions; however, since water is commonly known to have a density of 1.0 g/cm³, one would expect the Shores solid material to have at least a density of at least 1.0 g/cm³ given the components of the composition material, absent evidence otherwise. Recitation of a newly disclosed property does not

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distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

Shores is silent with respect to *exemplifying* a material having multiple desiccant materials selected from the group consisting of barium oxide, calcium oxide, aluminum oxide and magnesium oxide; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed an adhesive/desiccant composition having more than one of the desired desiccants, because one would expect the combination of desiccants to perform the same function of absorbing moisture as a single desiccant.

18. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shores (US 5,304,419) in view of Nikaido (US 4,013,566). Shores teaches a desiccant coating for hermetically sealing an electronic device, but is silent with respect to specifically teaching the desiccant composition is incorporated within an electroluminescent device. Nikaido teaches it is desirable to include a desiccant material in an EL panel in order to avoid degradation of the device (see figures and text). It would have been obvious to one of ordinary skill in the art to have incorporated the desiccant material taught by Shores into the EL devices taught by Nikaido at any location within the device encapsulation, because one would expect the desiccant material to be similarly useful in removing moisture for the Nikaido electronic electroluminescent device.

Allowable Subject Matter

19. Claims 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

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claim and any intervening claims. The prior art fails to disclose or to teach a desiccant body comprising the particular hydrazide compounds of claims 17 and 18 in combination with the very specific further components required by claim 1.

Response to Arguments

20. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dawn Garrett/
Primary Examiner, Art Unit 1794